

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ANTHONY LEE CANNON,  
 Plaintiff,  
 v.  
 STATE OF NEVADA, et al.,  
 Defendants.

Case No. 2:20-cv-02231-JAD-NJK

**ORDER**

On December 10, 2020, Plaintiff filed a complaint in this Court to initiate this action. Docket No. 2. On April 29, 2021, the Clerk's Office sent Plaintiff a notice of intent to dismiss this action pursuant to Fed. R. Civ. P. 4(m) for failure to file a proof of service within 90 days of filing his complaint. Docket No. 6. The Clerk's Office instructed Plaintiff to file proof of service no later than May 29, 2021. *Id.*

On May 27, 2021, and June 1, 2021, Plaintiff filed responses to the Clerk's Office's notice of intent to dismiss. Docket Nos. 7, 8. In his responses, Plaintiff submits that the State of Nevada Department of Administration, Hearings Division is currently reviewing the claims in his complaint. Docket Nos. 7 at 3, 8 at 3. Plaintiff, therefore, seeks leave of Court to file proof of service 90 days after the Department of Administration's proceedings conclude. *Id.*

A request for a court order must be made by motion. Fed. R. Civ. P. 7(b)(1). No later than August 17, 2021, Plaintiff may file a motion requesting an extension to file proof of service.<sup>1</sup> Failure to do so will result in a recommendation to the District Judge that this case be dismissed without prejudice. *See Nealey v. Transportacion Maritima Mexicana, S.A.*, 662 F.2d 1275 (9th

---

<sup>1</sup> The Court expresses no opinion herein on the merits of any such motion. Rather, the Court will evaluate any motion on its merits if filed.

1 Cir. 1980) (“[A] plaintiff’s failure to serve process in a timely manner may . . . amount to a failure  
2 to prosecute . . . and a district court may dismiss an action on this ground”).

3 IT IS SO ORDERED.

4 Dated: August 3, 2021

5   
6 \_\_\_\_\_  
7 Nancy J. Koppe  
8 United States Magistrate Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28